

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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Derrick Reaves,  
Petitioner

vs

Case No. 1:02cv100  
(Weber, J.; Hogan, M.J.)

Tim Brunsman,<sup>1</sup>  
Respondent

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**ORDER**

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Petitioner, a prisoner in state custody at the Chillicothe Correctional Institution in Chillicothe, Ohio, has filed this action pro se for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 24, 2005, Senior United States District Judge Herman J. Weber adopted this Court's Report and Recommendation to deny Ground Four of the petition and to vacate a previous Order dismissing Grounds One through Three on the ground that they are barred from review by the one-year statute of limitations set forth in 28 U.S.C. § 2244(d). (*See Docs. 13, 15*).

Pursuant to a recommendation made by this Court in the Report and Recommendation adopted by the district judge on March 24, 2005 (*see Doc. 13, p. 17, ¶ 2*), respondent is hereby ORDERED to file within forty (40) days of the date of filing of this Order a supplemental return of writ in accordance with this Court's

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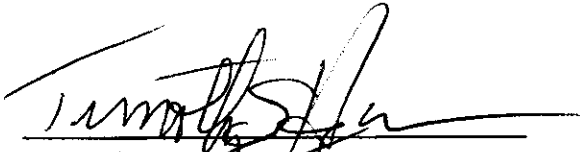
<sup>1</sup>In the petition, petitioner correctly named as respondent Harry Russell, who was then Warden of Lebanon Correctional Institution (LeCI), because petitioner was incarcerated at LeCI at that time. Later, when petitioner was transferred to the Chillicothe Correctional Institution (CCI), the caption was changed to reflect that the proper party respondent was James Erwin, who was then CCI's Warden. (*See Docs. 11, 13*). Since that time, James Erwin was replaced by Tim Brunsman as CCI's Warden. Because Tim Brunsman is the individual who now has custody of petitioner, the caption of this case is hereby changed again to reflect the proper party respondent. *See Rule 2, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.*

Order of February 20, 2002 (*see* Doc. 2) responding to petitioner's claims alleged in Grounds One through Three, as well as specifically addressing whether petitioner may have waived these claims due to his procedural default in failing to file a timely reopening application in the state courts.

IT IS SO ORDERED.

Date:

4/1/05  
cbc

  
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Timothy S. Hogan  
United States Magistrate Judge

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